

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKIN THE MATTER OF THE COMPLAINT OF  
CORNUCOPIA CRUISE LINE, INC.,

Plaintiff,

-against-

UNKNOWN DEFENDANT, et al.,

Defendants.

USDC SDNY
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DATE FILED: 8/6/2025

24-CV-08462 (MMG)

**ORDER**

MARGARET M. GARNETT, United States District Judge:

The above-captioned action was initiated on November 6, 2024. Dkt. No. 1. On November 28, 2024, Plaintiff filed the First Amended Complaint. Dkt. No. 11. Pursuant to the Court's Order directing, *inter alia*, notice and filing of claims (Dkt. No. 12), on January 2, 2025, Claimants Melville and Peters answered the First Amended Complaint and asserted a crossclaim against all other defendants. Dkt. No. 14. Claimants served Defendants ByFar Entertainment, LLC ("ByFar") and F&D Security 2019, Inc. ("F&D Security") on May 5 and 6, 2025, respectively, through service on the Secretary of State. *See* Dkt. Nos. 30 & 31. On June 20, 2025, the Court set a briefing schedule for default judgment motion(s) against ByFar and F&D Security. Dkt. No. 40.

On July 9, 2025, ByFar responded to the First Amended Complaint and crossclaim by Melville and Peters, and asserted crossclaim against F&D Security. Dkt. No. 42. On July 28, 2025, the Court adjourned the briefing schedule for default judgment motion(s) against F&D Security. Dkt. No. 47. On July 30, 2025, ByFar amended its response to the First Amended Complaint and crossclaim, which still included a crossclaim against F&D Security. Dkt. No. 48. Late on August 4, 2025 and the following day, ByFar filed letter-motions regarding confusion over whether F&D Security had been properly named in, and properly served in, other pleadings in the case, and requesting more time to assess the situation, including whether its crossclaim needed to be amended and whether it could move for default judgment against F&D Security. *See* Dkt. Nos. 49 & 50.

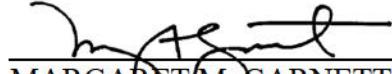
In light of the confusion surrounding F&D Security, including Claimants' failure to timely move for default judgment against it, it is hereby ORDERED that the Initial Pretrial Conference currently scheduled for August 19, 2025, at 9:30 a.m. shall be converted to a status conference over Microsoft Teams. It is further ORDERED that the briefing schedule for default judgment motion(s) is ADJOURNED. Similarly, the parties do not need to submit a joint letter or proposed Civil Case Management Plan, but should be prepared to discuss, among other things: (i) the proper identity of the F&D Security entity and potential service issues related to identity; (ii) a schedule for amending pleadings, if necessary; and (iii) the parties' views on next steps in this action generally.

The public one-touch dial-in for conference audio is: +1 646-453-4442,,147312534#. Counsel of record shall receive a direct Microsoft Teams link in advance of the conference.

The Clerk of Court is respectfully directed to terminate Dkt. Nos. 49 & 50.

Dated: August 6, 2025  
New York, New York

SO ORDERED.



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MARGARET M. GARNETT  
United States District Judge